IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11477 of 2004

Between:

1) Nalam Satya Prasad Rao, S/o. Hanumaiah, 65 years,
R/o. Main Road, Opp. Kanyakaparameswari Temple, Sattenapalli.
2 Nalam Samrajyam, W/o. Satya Prasad Rao, 60 years,
R/o. Main Road, Opp. Kanyakaparameswari Temple, Sattenapalli.
3 Nalam Adilaxmi, W/o. Vasudeva Kumar, 20 years
R/o. Main Road, Opp. Kanyakaparameswari Temple, Sattenapalli.
4 Nalam Vasudeva Kumar, S/o. Satya Prasad Rao, 26 years,
R/o. Main Road, Opp. Kanyakaparameswari Temple, Sattenapalli.
5 Jujjuri Nageswari, 35 years, W/o. Ramakoteswara Rao,
R/o. Main Road, Opp. Kanyakaparameswari Temple, Sattenapalli.
6 Jujjuri Vishnuvardhan, 15 years, S/o. Ramakoteswara Rao, Minor,
rep by his natural guardian Mother J. Nageswari R/o. Main Road, Opp.

Kanyakaparameswari Temple,
Sattenapalli.
7 Kotha Laxmi Kumari, W/o. Punna Rao, 31 years,
R/o. Main Road, Opp. Kanyakaparameswari Temple, Sattenapalli.
8 Garre Venkat Ramaiah, S/o. Venkatsubbaiah,62 years
R/o. Near Ganganamma Temple, Piduguralla, Guntur District.
9 Garre Subramanyam, S/o. Venkatramaiah, 27 years,
R/o. Near Ganganamma Temple, Piduguralla, Guntur District.
10 Garre Rahini Sujatha, W/o. Subramanyam, 24 years,
R/o. Near Ganganamma Temple, Piduguralla, Guntur District.
11 Nallam Srinivas Rao, S/o. Satya Prasad Rao, 32 years,
R/o. Near Ganganamma Temple, Piduguralla, Guntur District.

..... PETITIONERS

AND

1 The Sub-Divisional Police Officer, Sattenapalli, Guntur District.
2 The Circle Inspector of Police, Sattenapalli, Guntur District.
3 The Sub-Inspector of Police, Sattenapalli Town Police Station,

Sattenapalli, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring action of respondents in calling the petitioners to 3rd respondent police station without registering any case daily is arbitrary, illegal, violation of Art.21 of Constitution of India and discrimination and consequently direct the respondents not to call petitioners to 3rd respondent police station without registering any case.

Counsel for the Petitioner:MR.K.VENKATESWARLU

Counsel for the Respondents: GP FOR HOME

The Court made the following :

O R D E R:

The petitioners 11 in number filed this writ petition seeking a writ of Mandamus declaring the alleged action of the respondents in calling them to Sattenapalli Town Police Station, Sattenapalli, Guntur District, without registering any case as arbitrary, illegal and in violation of Article 21 of the Constitution of India.

In the affidavit filed in support of the writ petition, it is stated that all the petitioners are doing kirana and other small business at Sattenapalli and eking out their livelihood and there are no complaints against them. It is alleged that on 16.6.2004 one Sikhakallu Hanumantha Prasad, resident of Bandlamatta, Ongole came to Sattenapalli Town Police Station and lodged a complaint stating that one Jujjuri Ramakoteswara Rao and his partners purchased agricultural products of Bengalgram, Redgram, Blackgram and Gingili from nearly about 50 farmers with an undertaking to pay an amount of Rs.40,00,000/- within one or two days, but they failed to do so and therefore, action may be taken against them under Section 420 of I.P.C. On the basis of the said complaint, the Sub-Inspector of Police, Sattenapalli Police Station (3rd Respondent) registered Crime No.78/2004 under Section 420 I.P.C. and during the course of investigation, he traced T.Srinivas Rao, T.Nageswar Rao and U.Seshagiri Rao and they were taken to the police station. Thereafter though they are very much available at Sattenapalli, the 3rd Respondent did not take any action against them and on the other hand, on 17.6.2004 has taken the 7th petitioner to the Police Station forcibly. Similarly, the other petitioners are also being called to the police station daily and they were made to sit from morning to evening in the Police Station and the police are threatening them to disclose the whereabouts of the first accused in Crime No.78 of 2004. It is further alleged that the police are harassing the petitioners and daily they are calling them to the police station on the ground that they are related to the first accused. In the circumstances, this writ petition is filed seeking a declaration that the alleged action of the respondents is arbitrary, illegal and violative of Article 21 of the Constitution of India.

The Sub-Inspector of Police, Sattenapalli Police Station filed a counter affidavit stating that Crime No.78 of 2004 was registered under Section 420 I.P.C. against one Ramakoteswararao and three others on a complaint lodged by one S.Hanumantha Prasad, alleging that he has cheated the ryots and brokers. In pursuance there of, the police investigated and examined about 19 witnesses. Accused 1 and 2 in the said crime have voluntarily surrendered before the Court. The allegation of the petitioners that they were compelled to attend the Police Station is denied and it is stated that no crime is registered against them, nor any complaint is made by anyone against the petitioners. All other allegations made by the petitioners are specifically denied and it is stated that Crime No.78 of 2004 is pending investigation and the further steps will be taken in just and fair manner. It is also reiterated that the petitioners are in no way connected with the crime.

In the light of the un-rebutted averments in the counter affidavit denying the allegations made by the petitioners, the writ petition is closed, recording the statement of the respondents that the petitioners are in no way connected with Crime No.78 of 2004 nor any other crime is pending on the file of the P.S., Sattenapalli and they were never called to the police station and harassed in any way. No costs.

19.07.2004

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THE HON'BLE MS.JUSTICE G.ROHINI

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Sub-Divisional police Officer, Sattenapalli, Guntur District
2. The Circle Inspector of Police, Sattenapalli, Guntur District.
3. The Sub-Inspector of Police, Sattenapalli Town Police Station, Sattenapalli, Guntur District.
4. G.P. for Home
5. Two C.D. Copies.